| 1  |  | The Honorable Richard A. Jones  |  |  |
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| 8  | UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON                      |                                 |  |  |
| 9  | AT SEATTLE   |                                 |  |  |
| 10 |  |                                 |  |  |
| 11 | UNITED STATES OF AMERICA,  | NO. CR20-151RAJ                 |  |  |
| 12 | Plaintiff,   | [PROPOSED] ORDER CONTINUING     |  |  |
| 13 |  | TRIAL DATE AND PRETRIAL MOTIONS |  |  |
| 14 | V.   | DEADLINE                        |  |  |
| 15 | EPHRAIM ROSENBERG,   |                                 |  |  |
| 16 | JOSEPH NILSEN,   |                                 |  |  |
| 17 | HADIS NUHANOVIC,<br>KRISTEN LECCESE,   |                                 |  |  |
| 18 | Defendants.  |                                 |  |  |
| 19 | Defendants.  |                                 |  |  |
| 20 | THE COURT, having considered the Stipulated Motion to Continue Trial Date                |                                 |  |  |
| 21 | and Pretrial Motions Deadline, and all the files and records herein, finds as follows:   |                                 |  |  |
| 22 | 1. The facts and circumstances are as set forth in the Stipulated Motion to              |                                 |  |  |
| 23 | Continue Trial Date and Pretrial Motions Deadline;                                       |                                 |  |  |
| 24 | 2. The case is complex due to such factors as the nature of the charges and              |                                 |  |  |
| 25 | prosecution, the potential consequences, the possible questions of law and fact, the     |                                 |  |  |
| 26 | unusual complexity of the case, and the significant size, scope, and technical nature of |                                 |  |  |

discovery;

| 1  | 3.  | 3. The Coronavirus Disease 2019 (COVID-19) pandemic and health-related |                        |  |  |
|----|---|--|------------------------|--|--|
| 2  | considerations further have hampered the parties' ability to examine evidence and           |  |                        |  |  |
| 3  | adequately prepare for trial;   |  |                        |  |  |
| 4  | 4.  | 4. Failure to grant a continuance in this case would deny counsel the  |                        |  |  |
| 5  | reasonable time necessary for effective preparation of trial and other pretrial proceedings |  |                        |  |  |
| 6  | taking into account the exercise of due diligence;  |  |                        |  |  |
| 7  | 5.  | 5. For these reasons, failure to grant a continuance could result in a |                        |  |  |
| 8  | miscarriage of justice;   |  |                        |  |  |
| 9  | 6. The ends of justice served by granting this continuance outweigh the best                |  |                        |  |  |
| 10 | interest of the public and the defendant in a speedy trial;                                 |  |                        |  |  |
| 11 | 7.  | 7. All these findings are made within the meaning of 18 U.S.C.         |                        |  |  |
| 12 | § 3161(h)(7)(A) and (B)(i),(ii) and (iv);   |  |                        |  |  |
| 13 | 8. The period of time from the filing date of the Stipulated Motion to                      |  |                        |  |  |
| 14 | Continue Trial Date and Pretrial Motions Deadline until the new trial date, set forth       |  |                        |  |  |
| 15 | below, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C.                 |  |                        |  |  |
| 16 | § 3161(h)(7)(A).  |  |                        |  |  |
| 17 | IT IS THEREFORE ORDERED that:   |  |                        |  |  |
| 18 | 1.  | The trial in this matter is continued to                               | , at 9:00 a.m.;        |  |  |
| 19 | 2.  | Pre-trial motions are due no later than                                | , with all pretrial    |  |  |
| 20 | motions noted for consideration on the third Friday after filing, and responses thereto due |  |                        |  |  |
| 21 | no later than fourteen (14) days after filing of motions;                                   |  |                        |  |  |
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| 23 | //  |  |                        |  |  |
| 24 | //  |  |                        |  |  |
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| 28 |   |  |                        |  |  |
| '  | Order Contin  | ue Trial Date - 2  | UNITED STATES ATTORNEY |  |  |

| 1  | 1   3. The defendants shall immediately file with the Court a waiv                      | er of rights |  |
|----|---|--------------|--|
| 2  | under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., through October 2022 or the trial |              |  |
| 3  | date, whichever is later, consistent with this Order.                                   |              |  |
| 4  | DATED this day of October, 2021.  |              |  |
| 5  | 5   |              |  |
| 6  | 6   |              |  |
| 7  |   |              |  |
| 8  | 8 HON. RICHARD A. JONES United States District Court Jud                                | ge           |  |
| 9  |   | 5            |  |
| 10 | Presented by:   |              |  |
| 11 | 11  |              |  |
| 12 | 12 s/ Steven Masada<br>s/ Nicholas Manheim  |              |  |
| 13 | 13 STEVEN MASADA  |              |  |
| 14 | NICHOLAS MANHEIM Assistant United States Attorneys                                      |              |  |
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